

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APEX FINANCIAL OPTIONS, LLC AND GOPHER FINANCIAL, LLC,	§	
	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
	§	
v.	§	Civil Action No. 19-0046-WCB-SRF
	§	
RYAN GILBERTSON, RRG FAMILY CAPITAL LLC, RYAN GILBERTSON FAMILY 2012 IRREVOCABLE TRUST, AND TOTAL DEPTH FOUNDATION, INC.,	§	
	§	
	§	
<i>Defendants.</i>	§	
	§	
	§	

AMENDED JUDGMENT

This is an action for federal securities fraud, common law fraud under Delaware law, and breach of contract under Delaware law. The jurisdiction of this court is invoked under 28 U.S.C. § 1331 based on the federal securities fraud claim, and under 28 U.S.C. § 1367 based on the state law fraud and breach of contract claims. The court held a bench trial in this case from May 9, 2022, to May 12, 2022, and issued its Findings of Fact and Conclusions of Law on August 18, 2022. Dkt. No. 281. The court entered an initial Judgment on September 9, 2022. Dkt. No. 291. This action having come before the Court and the Court having considered the same, now therefore:

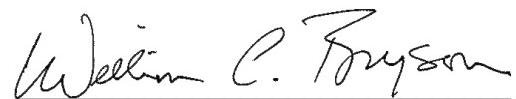
IT IS HEREBY ORDERED, ADJUDGED AND DECLARED that in accordance with the Court's August 18, 2022, Order, judgment is hereby entered in this case as follows:

1. In favor of Defendants Ryan Gilbertson, RRG Family Capital LLC, Ryan Gilbertson 2012 Irrevocable Trust, and Total Depth Foundation and against Plaintiffs APEX

- Financial Options, LLC, and Gopher Financial, LLC, for Count I (Securities Fraud) and Count II (Common Law Fraud);
2. In favor of Plaintiff APEX Financial Options, LLC, and against Defendants Ryan Gilbertson, RRG Family Capital LLC, Ryan Gilbertson Family 2012 Irrevocable Trust, and Total Depth Foundation, jointly and severally, for Count III (Breach of Contract) in the amount of \$5,607.86; and
 3. In favor of Plaintiff Gopher Financial, LLC, and against Defendants Ryan Gilbertson, RRG Family Capital LLC, Ryan Gilbertson Family 2012 Irrevocable Trust, and Total Depth Foundation, jointly and severally, for Count III (Breach of Contract) in the amount of \$221,431.14.
 4. Plaintiffs APEX Financial Options, LLC, and Gopher Financial, LLC, are entitled to prejudgment interest, calculated as simple interest, at the rate of 7.75% per annum from October 17, 2018, through the date of the initial Judgment, September 9, 2022.
 5. No party is entitled to costs under Federal Rule of Civil Procedure 54(d)(1) or to attorneys' fees. Defendants Ryan Gilbertson, RRG Family Capital LLC, Ryan Gilbertson Family 2012 Irrevocable Trust, and Total Depth Foundation are collectively entitled to costs under Federal Rule of Civil Procedure 68(d) in the amount of \$19,275.19.
 6. The time to appeal will run for all parties from the date of this Amended Judgment.
- See Dkt. No. 291 at ¶ 6.*

IT IS SO ORDERED.

SIGNED this 17th day of October, 2022.


William C. Bryson
WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE